

**UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF THE UNITED STATES TRUSTEE
KEVIN M. EPSTEIN
UNITED STATES TRUSTEE
GARY WRIGHT
ASSISTANT UNITED STATES TRUSTEE
903 SAN JACINTO BLVD., ROOM 230
AUSTIN, TX 78701
Telephone: (512) 916-5329
Email: gary.wright3@usdoj.gov**

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
MIDLAND DIVISION**

IN RE:	§	CASE NO. 24-70126-SMR
MOMENTUM AUTO GROUP, LLC	§	
	§	CHAPTER 7
DEBTOR.	§	

MOTION TO DISMISS CHAPTER 7 CASE

TO THE HONORABLE SHAD M. ROBINSON,
UNITED STATES BANKRUPTCY JUDGE:

Kevin M. Epstein, the United States Trustee for Region 7 (the “U.S. Trustee”), moves this Court to dismiss this case for cause under 11 U.S.C. § 707(a) (Motion) because more than 15 days have passed since the petition was filed and Momentum Auto Group, LLC (Debtor) has not filed the information required by 11 U.S.C. § 521(a)(1) or sought extension of the deadline to do so. In support of the Motion the U.S. Trustee respectfully states as follows:

I. INTRODUCTION

1. The U.S. Trustee requests that the Court dismiss the above captioned bankruptcy case because Debtor has not filed the information required by 11 U.S.C. § 521(a)(1) and more than 15 days have passed since the petition was filed. 11 U.S.C. § 707(a)(3). Additionally, Debtor’s failure to timely file required information, including, but not limited to, statements and schedules

required under 11 U.S.C. § 521(a)(1), has caused an unreasonable delay that is prejudicial to creditors and is further cause for dismissal. 11 U.S.C. § 707(a)(1).

II. JURISDICTION AND STANDING

2. The Court has jurisdiction of this matter pursuant to 28 U.S.C. § 1334, 151, and 157. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A) and (O). The U.S. Trustee has standing to bring this Motion pursuant to 11 U.S.C. §§ 307 and 707(a).

III. BACKGROUND

3. Debtor filed a Voluntary Petition under Chapter 7 of the Bankruptcy Code on August 21, 2024 (Dkt #1) without schedules or statements. Ron Satija is the duly appointed trustee. The meeting of creditors is scheduled for September 17, 2024 at 1:00 p.m.

4. As of the date of this motion, Debtor has not filed a schedule of Debtor's assets and liabilities, a schedule of current income and expenditures, or a statement of Debtor's financial affairs as required by 11 U.S.C. § 521(a)(1). As of the date of filing this Motion, the deadline to file these documents has expired and Debtor has not sought extension of the deadline to file the required documents and information.

IV. REQUEST FOR RELIEF

5. This case should be dismissed under Section 707(a)(3) because Debtor failed to file the information required by 11 U.S.C. § 521(a)(1) within 15 days of filing the voluntary petition and Debtor has not sought an extension of that deadline.

6. Section 707(a)(3) provides that the Court may, on motion of the U.S. Trustee and after notice and a hearing, dismiss a bankruptcy case for a debtor's failure to file the information required by Section 521(a)(1) within 15 days of filing the petition. 11 U.S.C. § 707(a)(3). Section

521(a)(1) requires debtors to file a schedule of assets and liabilities, a schedule of current income and expenditures, and a statement of the debtor's financial affairs. 11 U.S.C. § 521(a)(1).

7. Debtor has not filed all the information required under Section 521(a)(1) as of the date of filing this Motion and more than 15 days have passed since the filing of the petition. Debtor has not filed a schedule of assets and liabilities, a schedule of current income and expenditures, or a statement of Debtor's financial affairs. Debtor has not sought an extension of the deadline to file the required information, and this Court has not extended that deadline. Accordingly, cause exists for the dismissal of this bankruptcy case and the U.S. Trustee requests that the Court dismiss the case pursuant to 11 U.S.C. § 707(a)(3).

8. Additionally, the U.S. Trustee requests this case be dismissed under Section 707(a)(1) because Debtor's failure to file the information required by 11 U.S.C. § 521 has caused unreasonable delay by Debtor that is prejudicial to creditors.

For the forgoing reasons, the U.S. Trustee respectfully requests that this Court enter an order dismissing this Chapter 7 case for cause pursuant to 11 U.S.C. § 707(a), and for such further and other relief the Court deems equitable and just.

Dated: September 10, 2024

Respectfully submitted,

KEVIN M. EPSTEIN
UNITED STATES TRUSTEE
Southern and Western Districts of Texas

By: /s/ Gary Wright
Gary Wright
Assistant United States Trustee
Texas State Bar No. 24047145
903 San Jacinto Blvd., Room 230
Austin, Texas 78701
Phone: (512) 916-5328
gary.wright3@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on September 10, 2024 a true and correct copy of the foregoing **MOTION TO DISMISS CHAPTER 7 CASE** and proposed order were served upon the parties listed on the Debtor's Mailing Matrix (not attached to service copies) by U.S. Postal Service, First Class Mail and/ or by electronic means for all Pacer system participants.

By: /s/ Gary Wright
Gary Wright
Assistant United States Trustee